

# **EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CYNTHIA RUSSO, LISA BULLARD,  
RICARDO GONZALES, INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL  
WORKERS LOCAL 38 HEALTH AND  
WELFARE FUND, INTERNATIONAL  
UNION OF OPERATING ENGINEERS  
LOCAL 295-295C WELFARE FUND, AND  
STEAMFITTERS FUND LOCAL 439, on  
Behalf of Themselves and All Others Similarly  
Situating,

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

Civil No. 17-cv-2246

Judge Edmond E. Chang  
Magistrate Judge Sheila Finnegan

**DECLARATION OF MICHAEL S. LEIB  
IN SUPPORT OF WALGREENS'  
OPPOSITION TO PLAINTIFFS'  
MOTION TO EXCLUDE THE EXPERT  
REPORT AND TESTIMONY OF JAMES  
W. HUGHES PURSUANT TO FEDERAL  
RULE OF EVIDENCE 702**

I, Michael S. Leib, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner at the law firm of Reed Smith LLP and admitted to practice before this Court. I submit this Declaration in support of Defendant Walgreen Co.'s Opposition to Plaintiffs' Motion to Exclude the Expert Report and Testimony of James W. Hughes Pursuant to Federal Rule of Evidence 702. I have personal knowledge of the facts set forth herein and could testify competently to them if called to do so.

2. Attached as **Exhibit A** is a true and correct copy of the April 27, 2023 amended expert report of James W. Hughes, Ph.D.

3. Attached as **Exhibit B** is a true and correct copy of excerpts of the May 3, 2023 deposition of James W. Hughes, Ph.D.

4. Attached as **Exhibit C** is a true and correct copy of the declaration of Anthony R. Todd.

Executed on this 14<sup>th</sup> day of September, 2023, in New York, New York.

/s/ Michael S. Leib  
Michael S. Leib

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of September, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the registered participants as identified on the Notice of Electronic Filing.

s/ Michael S. Leib  
Michael S. Leib